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SCIENTIFIC
INFORMATION
ABOUT BIRDS

April 20, 1999

Mr. William Kennard
Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, D.C. 20554

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Ex Parte Letter Re: ~~FCC Docket No.~~ 97-296; MM Docket No. 97-182

Dear Chairman Kennard,

American Ornithologists' Union

Association of Field Ornithologists

Colonial Waterbird Society

Cooper Ornithological Society

Pacific Seabird Group

Raptor Research Foundation

Wilson Ornithological Society

Society for Caribbean Ornithology

The Ornithological Council would like to comment on the need for an Environmental Impact Statement to be prepared regarding the Proposed Rule regarding preemption of state and local zoning and land use ordinances regarding the placement and construction of broadcast station transmission facilities. The Ornithological Council is a non-profit organization representing eight scientific ornithological societies to provide timely information about birds to help ensure scientifically-based decisions, policies, and management actions. These societies - the American Ornithologists' Union, the Wilson Ornithological Society, the Cooper Ornithological Society, the Raptor Research Foundation, the Pacific Seabird Group, the Colonial Seabird Group, the Society for Caribbean Ornithology, and the Association of Field Ornithologists - represent more than 7,000 members.

The Ornithological Council urges the FCC to prepare an Environmental Impact Statement and respectfully submits that the National Environmental Policy Act mandates this action, as does FCC regulation 47 CFR 1.1307. We urge the FCC to prepare an Environmental Impact Statement because doing so will help ensure that these towers are designed, sited, and built in a manner that will minimize the potential harm to migrating birds.

Last week, at the North American Ornithological Conference, four of the member societies of the Ornithological Council met and passed the enclosed resolution urging the FCC to study the magnitude of the problem of avian mortality resulting from communication towers, including the preparation of an Environmental Impact Statement with regard to the Proposed Rule. The serious threat to birds, including threatened and endangered species, alone justifies this cautious approach.

David E. Blockstein, Ph.D.
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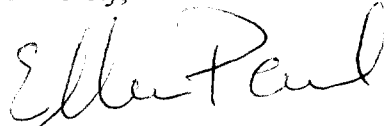
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If the FCC decides to prepare an EIS, please add the Ornithological Council to the public comment list so we may submit comments on the draft EIS.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Paul".

Ellen Paul
Executive Director

cc: Commissioner Harold Furchtgott-Roth
Commissioner Gloria Tristani
Commissioner Susan Ness
Commissioner Michael Powell



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COMMUNICATION TOWERS AND AVIAN MORTALITY

WHEREAS an estimated two million to four million birds are killed in collisions with communication towers, particularly those higher than 200 feet, in eastern North America alone each year, and

WHEREAS towers 200 feet and taller are required to be lit for aircraft safety, generally with blinking lights, and

WHEREAS birds migrating at night are attracted by the light and circle the tower, striking supporting guy wires; and

WHEREAS there are presently at least 75,000 towers above 200 feet tall in the U.S. (according to the Federal Aviation Administration) and another 100,000 are expected to be constructed in the next decade (according to the communications industry) due to expansion in various communications markets, and to accommodate digital TV;

WHEREAS the accrued impact of thousands of towers on migrant songbird populations may be significant for declining species such as Cerulean Warblers and endangered species such as Kirtland's Warbler,

THEREFORE BE IT RESOLVED that the American Ornithologists' Union, Association of Field Ornithologists, Cooper Ornithological Society and Wilson Ornithological Society urges the Federal Aviation Administration (FAA) to endorse studies involving experiments toward finding lighting systems for towers that reduce avian mortality.

BE IT FURTHER RESOLVED that the American Ornithologists' Union, Association of Field Ornithologists, Cooper Ornithological Society and Wilson Ornithological Society encourages the communications industry to voluntarily reduce the number of new towers by co-locating new transmitters on existing towers and to work with the U.S. Fish & Wildlife Service (USFWS) to minimize collisions of birds with towers;

BE IT FURTHER RESOLVED that the American Ornithologists' Union, Association of Field Ornithologists, Cooper Ornithological Society and Wilson Ornithological Society strongly encourages the U.S. Fish & Wildlife Service to work with the FAA and the Federal Communications Commission to study the magnitude of the problem, including through preparation of an Environmental Impact Statement, and to develop a national plan to minimize collisions of birds with towers.

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Colonial Waterbird Society

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Citations

- Cochran, William W. and Richard R. Graber. 1958. Attraction of nocturnal migrants by lights on a television tower. *Wilson Bulletin*, 70:378-380.
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- Larkin, Ronald P., and Barbara A. Frase. 1988. Circular paths of birds flying near a broadcasting tower in cloud. *Journal of Comparative Psychology* 102:90-93.
- Ogden, Lesley P. 1996. Collision course: the hazards of lighted structures and windows to migrating birds. World Wildlife Fund Canada and the Fatal Lights Awareness Program, 46 pp.